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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,047	07/08/2003	Cechan Tian	064731.0340	3918

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EXAMINER	
SINGH, DALZID E	
ART UNIT	PAPER NUMBER
2613	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/16/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/16/2007.

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Office Action Summary	Application No.	Applicant(s)	
	10/615,047	TIAN ET AL.	
	Examiner	Art Unit	
	Dalzid Singh	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *13-16* is/are allowed.

6)☒ Claim(s) *1-7,10 and 11* is/are rejected.

7)☒ Claim(s) *8,9 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 10 and 11 is withdrawn in view of the newly discovered reference(s) to Parry et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Parry et al (US Pub. No. 2003/0108271).

Regarding claim 1, Parry et al disclose method for management of directly connected optical components, comprising:

receiving a source optical signal for communication to an optical network, the source optical signal comprising one or more source channels (see paragraph [0021]);

monitoring optical traffic communicated on the optical network to determine one or more network channels in which the optical traffic is communicated (see paragraph [0021]);

determining network channel information of the one or more network channels (see paragraph [0021]); and

communicating to the optical network channels of the one or more source channels that do not interfere with any of the one or more network channels and preventing from communication to the optical network channels of the one or more source channels that interfere with any of the one or more network channels (see paragraph [0021]; the channel is communicated when it is not blocked; the channel is considered interfering when signal level is not within expected noise threshold).

Regarding claim 2, further comprising blocking from communication to the optical network any of the one or more source channels that interfere with any of the one or more network channels (see paragraph [0021]).

Regarding claim 3, wherein blocking from communication to the optical network any of the one or more source channels that interfere with any of the one or more network channels comprises controlling one or more filters to block from communication to the optical network any of the one or more source channels that interfere with any of the one or more network channels (see paragraphs [0030 and 0033]).

Regarding claim 4, wherein controlling one or more filters to block from communication to the optical network any of the one or more source channels that interfere with any of the one or more network channels comprises tuning one or more tunable filters (see paragraphs [0030 and 0033]).

Regarding claim 5, further comprising switching the one or more source channels to a channel monitor to determine source channel information of the one or more source channels (see paragraph [0021]).

Regarding claim 6, further comprising determining from the network channel information and the source channel information whether any of the one or more source channels interferes with any of the one or more network channels (see paragraph [0021]).

Regarding claim 7, further comprising controlling one or more optical switches to communicate to the optical network channels of the one or more source channels that do not interfere with any of the one or more network channels (see paragraphs [0030 and 0033]).

Regarding claim 10, Parry et al disclose system for management of directly connected optical components, comprising:

an in-service monitor coupled to an optical network (see Fig. 4), the in-service monitor operable to:

monitor optical traffic communicated on the optical network, the optical traffic comprising one or more network channels (see paragraph [0021]);

determine network channel information of the one or more network channels (see paragraph [0021]); and

communicate the network channel information to a network control coupled to the in-service monitor (see paragraph [0021]);

one or more filters coupled to a source and to the network control, each filter operable to:

receive one or more source channels of a source optical signal (see paragraph [0021]); and

block from communication to the optical network one or more of the received one or more source channels (see paragraph [0021]); and

the network control operable to control the one or more filters to block any of the one or more source channels that interfere with any of the one or more network channels (see paragraph [0021]).

Regarding claim 11, wherein: the one or more filters comprise one or more tunable filters; and the network control is operable to tune the one or more tunable filters to block any of the one or more source channels that interfere with any of the one or more network channels (see paragraphs [0030 and 0033]).

Allowable Subject Matter

4. Claims 13-16 are allowed.

5. Claims 8, 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lichtman et al (US Patent No. 7,106,969) is cited to show optical network terminator.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 5, 2007

DALZID SINGH
PRIMARY EXAMINER

Dalzid Singh